

Notice of Allowability

Application No.

10/606,815

Examiner

Jimmy T. Nguyen

Applicant(s)

TOUW ET AL.

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/1/05.
2. ☒ The allowed claim(s) is/are 9, 12 and 13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

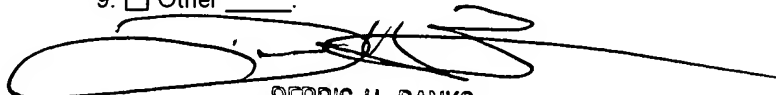
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Monique Vander Molen on December 15, 2005.

The application has been amended as follows:

In claim 9, line 12:

The word "a" has been changed to --- the ---.

Allowable Subject Matter

Claims 9, and 12-13 are allowed.

Claim 9 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a method for collecting recyclable materials comprising the steps of: placing a portable container at a location, *the portable container having a door configured to separate a work area from a storage area and the portable container having a compactor powered by a rechargeable battery; receiving recyclable materials in the work area; sorting the recyclable material in the storage area; storing the recyclable material in the storage area; and compacting the recyclable material by the battery- powered compactor*, in combination the rest of the claimed limitations.

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US 5,078,567 to Lombardo and US 5,842,652 to Warsing et al. are being the closest prior art to the instant invention.

Lombardo discloses a truck having a container (14) for storing recyclable material. The container having a work area (34, 36 and 38) configured to accommodate an attendant and a storage area (62, 90, 92, 130, 138). Lombardo discloses that the recyclable materials are discharged from the container as the container is being lowered into alignment with outside storage bins (22) at the recycling center (col. 6, lines 46-68) and the sorting of the recyclable material take place in the work area (col. 6, lines 39-45). Therefore, Lombardo does not disclose a holding bin in the storage area and the step of sorting the recyclable material in the storage area. Warsing et al. discloses a truck having a portable container (fig. 4) for storing recyclable material. The container having a work area (fig. 2) configured to accommodate an attendant and a storage area (32, 34, 36, 38, 72, etc.). Warsing does not disclose the portable container having a door configured to separate a work area from a storage area. According, neither Lombardo nor Warsing disclose or render obvious the claimed invention as claimed in claim 9.

Newly cited US 6,499,931 to Garrett, Jr. Et al. discloses a truck having a container (14) for storing recyclable material. The container having a work area (34) configured to accommodate an attendant and a storage area (26). Garrett, Jr. discloses the sorting step is being done outside of the container (col. 5, lines 12-24). Therefore, Garrett, Jr. does not disclose the step of sorting the material in the storage area. Additionally, Garrett, Jr. also does not disclose the portable container having a door configured to separate a work area from a storage area. Accordingly, Garrett, Jr. fails to anticipate or render obvious the claimed invention as claimed in claim 9.

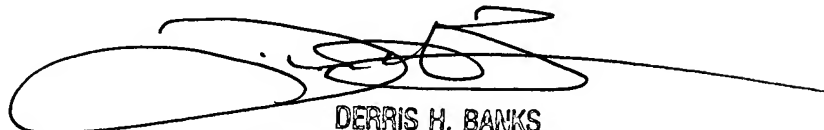
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
December 15, 2005



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